

Mayor Mary Cooper called the meeting to order at 7:00 p.m. Also present were Councilmembers Ed Sisson, Robert Jurca, Guy Pfalzgraff and Bill Seuell, along with City Manager Joe Kerby and City Attorney Mike Schottelkotte. A meeting notice was posted in the south window at City Hall at least twenty-four hours prior to the meeting.

Pledge of Allegiance

The Mayor led everyone present in the Pledge of Allegiance.

Changes to the Agenda

There were none.

Minutes

It was moved by Councilmember Jurca and seconded by Councilmember Sisson to approve the minutes of October 5, 2010 regular meeting as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

Gerald Roberts of 1962 Columbine Court thanked Council and staff for the stoplight at 1600 Road and Highway 50.

Chamber of Commerce Request for the "I Shop Delta" Program

City Manager Kerby introduced Linda Sanchez, Executive Director of the Chamber of Commerce, who had written a letter to the City requesting funding in the amount of \$3,000 for the 2010 "I Shop Delta" campaign. Ms. Sanchez introduced Kristi Attarian, Vice President of the Chamber Board of Directors.

Ms. Attarian gave some background information on the "I Shop Delta" program, which was initiated during the 2009 holiday season. The program was designed to encourage shoppers to shop locally by "catching" members of the community shopping locally and publicizing the event.

Ms. Sanchez presented letters supporting the program from three local businesses who had participated in the 2009 program. These businesses indicated that the program had benefited the local business community last year and asked Council to consider participating in 2010. If Council chooses to fund the 2010 program, the money would be used to market the program in Delta County, Montrose County and Mesa County.

In answer to a question from Councilmember Pfalzgraff, Ms. Sanchez explained how "caught shopping in Delta" works.

Councilmember Jurca asked how much the City contributed last year. Ms. Sanchez stated the City contributed \$3,750 in 2009.

Council and staff discussed where funding for this project would come from. The City Manager reported that there are unspent funds in the 2010 budget which could be used.

It was moved by Councilmember Sisson and seconded by Councilmember Pfalzgraff to approve the Chamber of Commerce's request for \$3,000 for the "I Shop Delta" campaign. All in favor, motion carried.

Request for Proposal of Auditing Services

Finance Director Tod DeZeeuw explained that the City's contract with its current auditor has expired. Mr. DeZeeuw requested proposals from firms who audit governmental entities on the Western Slope. The following proposals were received:

<u>Firm</u>	<u>Amount</u>
Bondi & Co. LLC	\$30,000
Johnson, Holscher & Company	\$21,590

Regular Meeting, Delta City Council, November 2, 2010 (Cont.)

Request for Proposal of Auditing Services (Cont.)

The Finance Director stated that low bidder Johnson, Holscher & Company has done the City's audit for the past two years, and that he is satisfied with their work. He recommended that Council award the three year contract to Johnson, Holscher & Company.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Jurca to award the contract for audit services to Johnson, Holscher & Company and authorize the Mayor to sign the Engagement Letter, conditional upon legal confirmation that there are no contract concerns beyond the term of the present Councilmembers. All in favor, motion carried.

Club Liquor License Renewal: BPOE Lodge No 1235

The Clerk reported that the renewal application is complete and that the required fees have been paid. The Police Department reported no violations during the past year and recommended approval of the renewal.

It was moved by Councilmember Sisson and seconded by Councilmember Jurca to approve the Club Liquor License renewal application for BPOE Lodge No. 1235. All in favor, motion carried.

Discussion Regarding Medical Marijuana Centers

City Manager Kerby stated that following the public hearing on October 26, 2010, staff is seeking direction from Council concerning medical marijuana. If Council is considering holding an election on the question of banning medical marijuana centers within the City limits, the City Clerk and City Attorney will need to begin preparing. If Council chooses not to ban the centers, no further direction is needed tonight.

Councilmember Sisson provided information concerning how the City of Delta and Delta County voted on the 2000 ballot measure which amended the constitution to legalize medical marijuana. Voters in the City of Delta cast 625 votes in favor of legalization, while 733 votes were cast against legalization. Delta County voted against legalization 7,540 to 4,954.

Mayor Cooper pointed out that at the recent public hearing, only about fifteen people were present, and none of them were in favor of banning medical marijuana centers.

City Attorney Schottelkotte noted that even if medical marijuana centers were to be banned in the City of Delta, the constitutional right of care providers to grow and provide marijuana to their clients would remain.

Mayor Cooper and Councilmember Pfalzgraff favored taking no action at this time.

Councilmember Sisson stated that Delta voters didn't want it in 2000 and still don't want it.

Councilmembers Jurca and Seuell favored putting the matter to a vote.

City Attorney Schottelkotte stated that if Council chooses to take no action at this time, they will still need to adopt some legislation governing medical marijuana centers before the City moratorium expires in May 2011.

Council agreed to table the matter until January. City Manager Kirby reminded them that if they wish to put the matter on the ballot for an election in April 2011, action to do so will need to be taken no later than the first meeting in January.

City Attorney Comments

The City Attorney advised Council and staff that an appeal may be filed in the Simmons case. Mr. Schottelkotte stated that he expected the District Court's decision to be upheld on appeal.

City Manager Comments

Manager Kerby reported on a recent meeting with Gunnison Valley Transportation Planning Region that he attended, along with Public Works Director Jim Hatheway, Councilmember Pfalzgraff and Mayor Cooper. The City representatives presented a request for GVTPR's support for CDOT funding for intersections at State highway access points on the proposed truck route. Staff will continue to pursue funding from this source.

Regular Meeting, Delta City Council, November 2, 2010 (Cont.)

City Manager Comments (Cont.)

Mr. Kerby noted that he and a number of staff members will be meeting with County and BLM representatives concerning the Dominquez/ Escalante NCA.

The City Manager reported that he and the golf course manager will be meeting with the men's and women's golf clubs to update them on what is transpiring at the golf course. Also, a work session is scheduled for November 30 regarding the golf course.

Councilmember Comments

In answer to a question from Councilmember Jurca, the City Manager reported that a budget work session will be held in the Council Chambers on November 4 beginning at 5:30 p.m.

Councilmember Pfalzgraff reported on the grand opening of the new Hartman Brother's store.

Mayor Cooper stated she attended the grand opening for Psyc Fit, and that Rocky Mountain Pantry had also held a grand opening recently.

Executive Session

It was moved by Councilmember Jurca and seconded by Councilmember Sisson to convene an Executive Session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and /or instructing negotiators, under CRS Section 24-6-402(4)(e); or more specifically for discussions regarding property acquisition for Delta's new truck route.

The Mayor recessed the Regular Meeting at 8:02 p.m. and the Executive Session was immediately convened.

At 9:32 p.m., the Executive Session was adjourned and the Regular Meeting was reconvened.

Truck Route Property Acquisition Policies

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Sisson to table this item until the next meeting. All in favor, motion carried.

The Regular Meeting was immediately adjourned.

Jolene E. Nelson, City Clerk